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opinions

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April 4

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CONCORD, N.H.

Miss Edna Annis Elwell
Secretary
New Hampshire Teachers Retirement System
State House Annex
Concord, New Hampshire

Dear Miss Elwell:

In your letter of March 27th, you ask our opinion as to whether a teacher whose monthly retirement allowance was less than \$10 and who in the discretion of the Board received the total amount due in a lump sum is subject to the compulsory retirement provisions of RSA 192:5. We answer in the affirmative.

A lump sum payment is authorized by RSA 192:1, para. 19, which provides that if the retirement allowance is less than \$10 per month it may be paid at the discretion of the Board of Trustees in a lump sum of equivalent actuarial value. RSA 192:5 requires that at the end of a school year all members who have then attained the compulsory retirement age shall be retired forthwith, unless an extension is granted. The individual in question was a member of the Retirement System at the date of retirement. This is not changed by the fact that she subsequently elected to receive benefits in a lump sum instead of in monthly payments.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/lt